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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,515

10/14/2005

Tadashi Endo

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10/01/2008

WENDEROTH, LIND & PONACK L.L.P.

2033 K. STREET, NW

SUITE 800

WASHINGTON, DC 20006

EXAMINER

RUDAWITZ, JOSHUA I

ART UNIT

PAPER NUMBER

3652

MAIL DATE

DELIVERY MODE

10/01/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/553,515

**Applicant(s)**

ENDO ET AL.

**Examiner**

JOSHUA I. RUDAWITZ

**Art Unit**

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 47-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 47-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 47-53 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 47 recites the limitation "leap up" in 7. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 47 additionally requires the limitation that "the component holding and suction pressure is not lower than a suction pressure capable of sucking and holding the one of the electronic components, and is lower than a suction pressure capable of sucking and holding the component feed tray." This limitation is indefinite due to the fact that it is applicable in only one of three situations, that being when the feed tray weighs more than the components. However, should the electronic components and the tray be of equal weight, or if the components weight more than the fee tray, this condition cannot be met. Therefore, it will be assumed, for the sake of examination that the feed tray weighs more than the electronic components, however correction must be made to clarify the claim language.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 47-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Stout (US 4,749,329).

Stout discloses a method for feeding electronic components to be mounted onto a board from a component feed tray in which electronic components are arranged, which component feed tray 61 is supported at a tray placement position so as to be vertically displaceable with respect to a surface on which the component feed tray is supported, in this case the floor, as the feed tray 61 can be lifted off the ground by a person or a lift, and which electronic components are disposed on the component feed tray so as to be displaceable relative to the component feed tray upon leap-up of the component feed tray, picking up one of the electronic components 63 by using component holding and suction pressure of a component suction and holding member 52 such that the one of the electronic components is sucked and held by the component suction and holding member, wherein the component holding and suction pressure is not lower than a suction pressure capable of sucking and holding the one of the electronic components, and is lower than a suction pressure capable of sucking and holding the component feed tray, this is inherent as the suction and holding member 52 would be unable to lift the tray 61; picking up the one of the electronic components by using the component holding and suction pressure of the component suction and holding member, such that the one of the electronic

components is sucked and held by the component suction and holding member, comprises (i) bringing the component suction and holding member into contact with the one of the electronic components by lowering the component suction and holding member after aligning the component feed tray with the component suction and holding member, (ii) creating suction pressure of the component suction and holding member such that the suction pressure reaches the component holding and suction pressure when the component suction and holding member starts ascending after being brought into contact with the one of the electronic components, this is inherent as only at the point of contact can the pressure be reached, and (iii) sucking and holding the one of the electronic components with ascent of the component suction and holding member; determining a time for creating the suction pressure in consideration of an amount of time necessary for the suction pressure to reach the component holding and suction pressure from when the suction pressure is created by the component suction and holding member, again this is inherent, if the timing was not considered the holding member would lift off the component before the required pressure is reached and never lift the component off the tray; wherein creating the suction pressure of the component suction and holding member comprises creating the suction pressure of the component suction and holding member after the component suction and holding member is brought into contact with the one of the electronic components, , this is inherent as only at the point of contact can the pressure be reached; determining a time for lowering the

component suction and holding member according to a size or a weight of the one of the electronic components so as to prevent the one of the electronic components from leaping up from the component feed tray due to the component suction and holding member being brought into contact with the one of the electronic components and the component holding and suction pressure is a suction pressure determined according to a size or a weight of the one of the electronic components; this is again inherent as pressure is a value derived from a weight of the target component, too much and the component would break, too little and the component would not be lifted; and the component holding and suction pressure is a pressure determined to be lower than a suction pressure capable of sucking and holding the weight of the component feed tray.

***Response to Arguments***

7. Applicant's arguments filed 07/07/2008 have been fully considered but they are not persuasive.
8. Regarding the applicant's argument that the Stout reference fails to disclose a feed tray, the examiner respectfully disagrees. As noted in the final rejection of 03/07/2008, there is nothing within the claim limitation that would exclude the feed tray of Stout to read on the claims. Any such argument is a matter of lexicon distinction, and not a structural or method step difference.
9. With regards to the applicant's argument that the Stout reference fails to disclose the suction pressure of the quill 10 is "lower than" the suction pressure of holding a component feed tray, the examiner again disagrees. As noted above element 61 is

denoted as the feed tray of Stout, not an arbitrary feed tray of unknown weight and size, in this case it is inherent that the quill 10 is not able to hold the pressure required to lift the feed tray 61.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA I. RUDAWITZ whose telephone number is (571)272-7856. The examiner can normally be reached on Monday - Friday, 7:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. I. R./  
Examiner, Art Unit 3652

/Saúl J. Rodríguez/  
Supervisory Patent Examiner, Art  
Unit 3652

